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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,851	12/29/2004	Masanori Itoh	MTS-3472US	9473

23122 7590 01/24/2008  
RATNERPRESTIA  
P O BOX 980  
VALLEY FORGE, PA 19482-0980

EXAMINER
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NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,851	<b>Applicant(s)</b> ITOH, MASANORI	
	<b>Examiner</b> Linh T. Nguyen	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16, 20-23, and 25-27 is/are rejected.
- 7) ☒ Claim(s) 11 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-16, 20-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okita et al (JP Patent Application Publication 2001169250) in view of Okazaki et al (US Patent Number 5644506).

Okita et al discloses a reproducing apparatus (Fig. 1) comprising: a reproducing unit (Fig. 1, element 200) that extracts (Fig. 1, element 29) recorded video signals from a recording medium (Fig. 1, elements 17 and 20) and record management information (Fig. 1, element 13); a decoding unit (Fig. 1, element 19) that decodes any of said video signals extracted from said recording medium (Fig. 1, element 17); and recording unit that records (Fig. 1, element 13), in correspondence to said record management information, reproduction management information including reproduction interruption information that denotes a point of interruption in time of a reproduction of said video signals from said recording medium (Paragraph 94; where the point of interruption in time is chapter number), wherein the decoding unit decodes said signals according to a selected bit rate from said point of interruption in time (Paragraphs 39-42, 94 and 95; where the signal reproduction resumes from the start of the chapter and where the claimed selected bit rate is the same one that was selected to be reproduced prior to

the interruption). However, Okita et al does not disclose where the recorded video signals have the same contents but are compressed in a plurality of different bit rates, as well as corresponding record management information.

In the same field of endeavor, Kazaki et al discloses a recording medium having a recorded video signals have the same contents but are compressed in a plurality of different bit rates and record management information that denotes a mutual association between said video signals that have the same contents but are compressed in a plurality of different bit rates (Figs. 13 and 18; shows a decoder 85/95 extract into variable bit rate into a buffer 84/94). At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the data of the recording medium of Okita with that of Okazaki et al, for the purpose of providing the video signals contents are compressed in different bit rates. The motivation for doing so would have been to increase the pictures quality (abstract).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-16, 20-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okita et al (JP Patent Application Publication 2001169250) in view of Zetts et al (US Publication Number 20020048450).

Okita et al discloses a reproducing apparatus (Fig. 1) comprising: a reproducing unit (Fig. 1, element 200) that extracts (Fig. 1, element 29) recorded video signals from a recording medium (Fig. 1, elements 17 and 20) and record management information (Fig. 1, element 13); a decoding unit (Fig. 1, element 19) that decodes any of said video signals extracted from said recording medium (Fig. 1, element 17); and recording unit that records (Fig. 1, element 13), in correspondence to said record management information, reproduction management information including reproduction interruption information that denotes a point of interruption in time of a reproduction of said video signals from said recording medium (Paragraph 94; where the point of interruption in time is chapter number), wherein the decoding unit decodes said signals according to a selected bit rate from said point of interruption in time (Paragraphs 39-42, 94 and 95; where the signal reproduction resumes from the start of the chapter and where the claimed selected bit rate is the same one that was selected to be reproduced prior to the interruption). However, Okita et al does not disclose where the recorded video signals have the same contents but are compressed in a plurality of different bit rates, as well as corresponding record management information.

In the same field of endeavor, Zetts discloses a recording medium having a recorded video signals have the same contents but are compressed in a plurality of different bit rates and record management information that denotes a mutual association between said video signals that have the same contents but are compressed in a plurality of different bit rates (Figs. 2 and 6 shows the compression of different MPEG and extraction of different rate and length). At the time of the invention

it would have been obvious to a person of ordinary skill in the art to modify the data of the recording medium of Okita with that of Zetts, for the purpose of providing the video signals contents are compressed in different bit rates. The motivation for doing so would have been to decode the signals with any MPEG engine.

### ***Allowable Subject Matter***

The indicated allowability of claim 27 is withdrawn in view of the newly discovered reference(s) to Okazaki et al. Rejections based on the newly cited reference(s) follow.

Claims 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments, see page 11, filed 11/07/07, with respect to the rejection(s) of claim(s) 1 under Kitamura have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Okazaki et al.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN  
January 19, 2008

WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER

